



Deep impact

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Deep impact

The fiction of a smooth Brexit for Northern Ireland

Brexit poses unique and disproportionate challenges to Northern Ireland, and has laid bare the frailties of power-sharing, argue **Maire Braniff** and **Sophie Whiting**. Political leaders, they urge, must come together from across the spectrum and place Northern Ireland before the deeply embedded fault lines of nationalism and unionism.

Northern Ireland faces a number of acute challenges that threaten democratic accountability, accentuate border politics and emphasise the political fragility of the region. First, the risks of Brexit to Northern Ireland are unique and disproportionate to those for any other region or nation in the UK. Second, in addition to the profound challenges posed by leaving the European Union, local politics has exposed the frailty of political power-sharing in Northern Ireland.

In analysis of these two divisive contexts, this article assesses the implications for the election contest held on 2 March 2017, and explores the ways in which Brexit offers distinctive considerations and challenges for the only part of the UK sharing a land border with the EU-27. These include consequences of the border, economic implications, citizenship rights, the impact on political stability and the peace process.

At this point everything is both possible and impossible. The prospect of maintaining a 'frictionless and seamless' border, in Theresa May's words, appears out of reach and unrealistic. The British prime minister's earlier commitment to a Brexit that would have no impact on the border in Ireland is now adrift. Currently, there is a lack of leadership offering a way out of Northern Ireland's current political impasse and driving negotiation objectives in relation to Brexit. Making up 3 per cent of the UK's population and 2 per cent of its economic output, it is unlikely that Northern Ireland will naturally fall at the top of the government's Brexit checklist. The unique nature of the challenges posed by leaving the EU requires political leaders to come together from across the spectrum and place Northern Ireland before the deeply embedded fault lines of nationalism or unionism.

A VOICE FOR NORTHERN IRELAND IN THE BREXIT NEGOTIATIONS?

As the UK exits its relationship with the European Union, Northern Ireland is particularly bereft. Analysis of contemporary discussions has shown that there is little scope for bespoke or distinct Brexit practices within the

UK; anything desired by Scotland or Northern Ireland may well be difficult to achieve.

The joint ministerial council (JMC) is framed around relationships built on principles of mutual understanding, consensus and eration, yet the scope for Northern Ireland to exert any meaningful influence on proceedings is mitigated by a lack of political voice and a largely neutered role as mediated by the structure of the JMC.

During the referendum campaign the Northern Ireland executive was split on the issue of EU membership. The Democratic Unionist party (DUP) was the only major party to back the Leave campaign, viewing Brexit as an opportunity to strengthen a different union between nations, the United Kingdom. While Sinn Féin's Martin McGuinness, the then deputy first minister, argued that a majority vote to remain demonstrated the need for a border poll on a united Ireland. The parties within the executive, and therefore at the forefront of protecting Northern Ireland's priorities, clearly had very different visions for where Brexit was leading the country.

Unassured of a local, national and international identity, relationships with key partners and, importantly, economic interests, as well as lacking a coherent political voice, triggering article 50 creates significant pressures for Northern Ireland. These challenges revolve around the nature of the Irish–Northern Irish border, trade, movement of people and investment.

Each day 35,000 people cross the 310-mile stretch of border between Northern Ireland and Ireland, and according to the British Irish Chamber of Commerce accounts for €60 billion a year in two-way trade and directly supports 400,000 jobs.¹ Outside of the EU customs union, it is unclear how checks would be imposed to monitor the movement of goods across the border. In terms of movement of people, the common travel area arrangements between the UK and Irish governments pre-date both countries' entry into Europe, dating back to the creation of the Free State in 1922. However, continuation was legitimised through EU treaty provisions, and accession to the internal market meant that customs checks were removed. On the basis of the government's current strategy to leave the internal market, it is unlikely this arrangement will go unchanged, and impact on cross-border co-operation and travel is inevitable. This does not necessarily require the implementation of a 'hard border', but it is likely to become more visible as an administrative burden.

Beyond the implications for trade and the movement of people, the border is deeply symbolic. The Northern Irish peace process embraced a more porous concept of national borders and a more fluid notion of national identity and sovereignty. People born in Northern Ireland have the right to Irish, and by default EU, citizenship. For nationalists, integration across the island of Ireland within a framework of shared European membership appeased their minority status within Northern Ireland. When asked in 2015, 'should the UK leave the EU?', those identifying as Irish were most

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¹ House of Lords (2016) 'Select Committee on the European Union Corrected oral evidence: Brexit: UK-Irish Relations', 18 October 2016. <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/european-union-committee/brexit-ukirish-relations/oral/42018.html>

likely to disagree (55 per cent), with British identifiers being less than half that (26 per cent).² Removing common EU membership therefore has the potential to destabilise the nationalist psyche.

The concerns around the border therefore go far beyond the practical implications of customs checks and passports. Yet the insularity of the debate within the UK ignores the fact that the issues affecting the social, cultural and political relationships in Northern Ireland, and the 'frictionless and seamless' border relationships with the Republic of Ireland, are things that the UK cannot simply decide upon – they are also things that the EU-27 must agree upon.

The legacy of three decades of conflict has left Northern Ireland with higher levels of unemployment than the UK average and a swollen public sector. The nature of the economy therefore exacerbates Northern Ireland's vulnerability to the risks of Brexit, particularly considering that currently Northern Ireland is the greatest recipient of EU funding than any other region or nation in the UK. In an open letter to Theresa May, the first minister and deputy first minister highlighted the importance of EU funding to Northern Ireland's economy and the peace process. The letter acknowledged that from 1994, Northern Ireland benefited to the tune of €13 billion of funding from Europe, while during the six-year period 2014–2020 it is expected to receive over €3.5 billion.³ Scepticism exists across the political spectrum about whether the UK exchequer will plug this gap.

For the Brexit campaign, membership of the European Union was something to escape; the bullet to be dodged. For Northern Ireland, however, the European Union was not the bullet to be dodged but rather the instrument by which to keep the bullet out of Northern Ireland. The European Union membership helped build a stronger economy for Northern Ireland, and in the context of EU membership stronger relationships between Britain and Ireland have been forged. Brexit, and the sudden and unpredictable demise of power-sharing, is therefore an unwelcome challenge to a nation historically plagued by uncertain, contested and dysfunctional governance.

WHAT NEXT FOR NORTHERN IRELAND?

After a rollercoaster year, the 2 March 2017 election offered a litmus test for contemporary engagement with politics; a test for democracy and stability.

In Northern Ireland, public participation in elections has been steadily dropping from a height of 71.9 per cent in 1998 down to 54.9 per cent in the most recent 2016 assembly elections. With only 10 months since the last time voters went to the polls, this election is unlikely to inspire a larger turnout. Mainstream political alienation is not unique to Northern Ireland. As elsewhere in Europe, voter turnout decreases year on year. Intensification of voter apathy in Northern Ireland presents a further

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2 Tonge J (2016) *Northern Ireland General Election Survey, 2015*, data collection, UK Data Service SN: 7523, <http://doi.org/10.5255/UKDA-SN-7523-1>

3 Northern Ireland Executive Office (2016) 'Letter to the PM from the FM', 10 August 2016. <https://www.executiveoffice-ni.gov.uk/sites/default/files/publications/execoffice/Letter%20to%20PM%20from%20FM%20%26%20dFM.pdf>

challenge ahead of the upcoming March 2017 elections – elections shrouded in the toxicity of claims of political corruption over the renewable heat incentive (RHI) scandal as well as increasingly fractious relationships between the longstanding parties of government.

The RHI scheme, which was intended to promote the consumption of energy from renewable sources, was set up in 2012 by Arlene Foster, at the time the minister for enterprise, trade and investment. The flaw in the design of RHI meant users could legitimately earn more cash the more fuel they burned, which resulted in the scheme hugely overspending. The cost to the Northern Ireland budget is set to be almost £500 million. Calls by deputy first minister Martin McGuinness for the first minister, Arlene Foster, to stand aside while the scheme was investigated were not answered, prompting his resignation and, due to the shared position of deputy/first minister, was the trigger for new elections.

Considering Northern Ireland's past, it is difficult to conceive that the assembly was interrupted due to a good old-fashioned political expenses scandal rather than the legacies of the conflict. Yet, the way in which the RHI (or 'cash for ash') scandal has played out has historical tensions at its very heart. In one sense, the alliance between fundamentally incompatible political positions on constitutional issues as well as interpersonal relations meant that the collapse of governance was inevitable, a matter of time even. When Arlene Foster took over as first minister, the co-existence and even mutual respect discernible between McGuinness and Paisley, and then McGuinness and Robinson, evaporated. Foster's tenure was characterised by increasing hostility towards Sinn Féin and the goodwill soon ebbed.

MIGHT THE 'BREAD AND BUTTER' ISSUES WIN OUT?

In 2007, the year that devolution was restored, the hope for a break in the tribalism and conflict-related politics surfaced. Ten years later, how visible are the 'bread and butter' issues? Almost 20 years into the peace process, conflict-related issues retain currency and voters remain tribal at the polling stations, benefiting both the DUP and Sinn Féin.

While across the board there is a decline in voter turnout, nationalist parties in particular continue to haemorrhage voters. In the 2016 elections, nationalist parties were out of step with their voters on the key issues that were not about conflict, tribalism or the border. Rather, the SDLP lost votes in 2016 due to its intransigence to adopt a more nuanced position on gender and reproductive rights. In 2017, Sinn Féin is actively canvassing on this issue, setting itself apart from conflict-related paradigms. Within the tribal binaries of unionism and nationalism, this positioning offers up an interesting voting choice. An additional dynamic is the growth in candidates for smaller parties who enjoyed breakthrough successes in the 2016 election. For example, People Before Profit has expanded its candidate list from three to seven, having won two seats in 2016.

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A 'NEW' NORTHERN IRISH ASSEMBLY?

The assembly elections in 2017 presented a further uncertainty: in 2016, for the first time since devolution was restored, Northern Ireland introduced a legislative act to decrease the size of the assembly from 108 seats to 90. Two-hundred and twenty-eight candidates contested the seats on offer across the 18 constituencies.

Northern Ireland has traditionally remained bottom of the league tables across the devolved institutions with regards to female political representation. Between 1998 and 2016, Northern Ireland has only managed to average 19 per cent female representation in comparison to 37 per cent and 44 per cent for Scotland and Wales respectively. A reduction in seats usually has negative implications for female representation. Research indicates that when women are selected to stand as candidates in Northern Ireland, they are more likely to win the seat than their male counterparts. The largest obstacle to increasing the number of women in the assembly is the parties selecting them as candidates in the first place.⁴ It is therefore a positive sign that in 2017 there were more female candidates to help mitigate the fall in seats.

Capitalising on the then impasse, the centre-ground moderates of the Social Democratic and Labour party (SDLP) and the Ulster Unionist party (UUP) appealed for a cross-community transfer of votes, citing the 2017 election as the first time that the electorate had a 'real choice'. UUP leader Mike Nesbitt made a plea at his recent party conference that a vote for Mike was a vote for the SDLP leader, Colum Eastwood. Meanwhile, for the party leader of the SDLP, a vote for the DUP and Sinn Féin meant 'you end up with Theresa' – an assurance of direct rule, thus signifying the deep and problematic divisions between the former partners in government.

Once the votes are counted, the power-sharing nature of the assembly requires parties in the executive to agree on a programme for government: a strategic document setting out the priorities for the assembly's following term. An additional hurdle in resuscitating the assembly is that the nationalist parties, Sinn Féin and the SDLP, have said they would not accept current Northern Ireland secretary James Brokenshire as neutral facilitator of these talks.

WHERE TO FROM HERE?

It is not the first time that Northern Irish politics has been described as being at a crossroads. However, watching the challenges of Brexit unfold against a backdrop of snap elections has highlighted the continuing fragility of post-conflict politics in Northern Ireland. The RHI scandal questioned the competency of decision-making and accountability in Northern Ireland. The recent election provided the electorate with an opportunity to decide whether they genuinely felt

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⁴ Braniff M and Whiting SA (2015) “There’s Just No Point Having a Token Woman”: Gender and Representation in the Democratic Unionist Party in Post-Agreement Northern Ireland”, *Parliamentary Affairs*, 68(4).

like they had a 'real choice' this time around, or whether intransigent traditional fault lines would result in the return of the DUP and Sinn Féin as the two largest parties.

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